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OFFICE OF PETITIONS

ON PETITION

In re Application of
Joseph Weinberger et al.
Application No. 09/902,066
Filed: July 10, 2001
Attorney Docket No. **118-004F**

This is a decision on the petition filed January 11, 2008, to revive the above identified application under 37 CFR 1.137(b)¹.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned July 3, 2007, for failure to file a timely response to the Office action in accordance with *Ex parte Quayle*,² mailed on April 30, 2007, which set a two (2) month period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed January 11, 2008 on even date with the filing of the instant petition.

The petition fee in the amount of \$1540.00 has been applied to the finance records for the instant patent application.

Additionally, however, there is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

² 1935 C.D. 11, 453 O.G. 213.

The amendment in response to the Office Action filed April 30, 2007 will be referred to Technology Center 2625 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

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